

REMARKS

Preliminarily, Applicants respectfully request the Examiner to return initialed Form PTO-1449 for the Information Disclosure Statement filed December 11, 2003.

Claims 1 and 4-6 are pending, claims 1, 4, and 5 were rejected, claim 6 was objected to as being allowable if rewritten in independent form, and claims 7 and 8 are added with the filing of this amendment. Claim 7 finds support, for example, at page 22, line 24 to page 23, line 7; and claim 8 finds support at page 23, lines 8-14 of the specification.

Review and reconsideration on the merits are requested.

In response to the rejection of claim 1 over Murakami et al, claim 1 has been amended to incorporate therein the recitation of claim 6 to thereby obviate the rejection. Claim 6 has been canceled. Withdrawal is respectfully requested.

Claims 4 and 5 were rejected under 35 U.S.C. §103(a) as being unpatentable over Murakami et al alone or in view of Foukes et al.

Murakami et al was relied upon as teaching a thermosetting powder coating comprising polyester having reactive groups, a thermosetting vinyl polymer having reactive groups that may be prepared from fluorine containing monomer (col. 4, lines 30-31) and a curing agent. Murakami et al was also relied upon as teaching that the polyester can be prepared using a conventional polybasic acid (col. 2, lines 40-44). The Examiner concedes that Murakami et al does not specify 1,4-cyclohexane dicarboxylic acid as the acid.

Foukes et al was cited as teaching 1,4-cyclohexane dicarboxylic acid as a conventional dicarboxylic acid used to prepare polyesters, or alternatively, an equivalent of the dicarboxylic acids disclosed by Murakami et al (col. 4, lines 1-6).

The Examiner concluded that it would have been obvious to use 1,4-cyclohexane dicarboxylic acid as the dicarboxylic acid in the polyester of Murakami et al.

Applicants traverse, and respectfully request the Examiner to reconsider in view of the Amendment to claim 4 and the following remarks.

Applicants respectfully submit that the amendment of the claims patentably distinguishes amended claim 4 over Murakami et al alone or in view of Foukes et al. Particularly, Murakami et al does not disclose a concrete thermosetting fluorine-containing polymer having a crosslinkable reactive group and having a fluorine content of not less than 10% by weight. Rather, in Murakami et al, the fluorine-containing vinyl monomer is one among many vinyl monomers and, of course, does not suggest a fluorine content of not less than 10% by weight. Foukes et al only discloses the combination of a carboxyl-containing polyester and a non-functional fluorine-containing polymer which cannot react with the carboxyl of the polyester and the curing agent (crosslinker).

Therefore, one of ordinary skill is not led to use the polyester polymer containing 1,4-cyclohexane dicarboxylic acid of Foukes et al for reacting with a thermosetting fluorine-containing polymer having a crosslinkable reactive group and having a fluorine content of not less than 10% by weight. This is because (i) the non-functional fluorine-containing polymer of Foukes et al cannot react with the carboxyl of the polyester and curing agent, and (ii) there is nothing in Murakami et al which teaches the desirability of employing a fluorine-containing vinyl monomer among many vinyl monomers, let alone a fluorine-containing vinyl monomer having a fluorine content of not less than 10 % by weight as claimed in amended claim 4.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appln. No. 09/869,430

Regarding this last part, the thermosetting powder of present claim 4 has excellent weather resistance due to its high fluorine content of not less than 10% by weight (page 22, lines 19-23 of the specification).

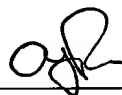
For the above reasons, it is respectfully submitted that claims 4 and 5 are patentable over Murakami et al alone or in view of Foukes et al, and withdrawal of the foregoing rejection under 35 U.S.C. § 103(a) is respectfully requested.

Withdrawal of all rejections and allowance of claims 1 and 4-8 is earnestly solicited.

In the event that the Examiner believes that it may be helpful to advance the prosecution of this application, the Examiner is invited to contact the undersigned at the local Washington, D.C. telephone number indicated below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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Date: February 9, 2004